S T A T E O F N E W Y O R K

680

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. CALHOUN, CROUCH, ERRIGO, BARRA -- Multi-Sponsored by -- M. of A. ALFANO, BACALLES, BURLING, BUTLER, FINCH, FITZPATRICK, GIGLIO, McDONOUGH, MILLER, RABBITT, SAYWARD, TEDISCO, THIELE, TOWNSEND, WALKER -- read once and referred to the Committee on Libraries and Education Technology

AN ACT to amend the real property tax law and the education law, in relation to school district libraries

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 1308 of the real property tax law is amended to read as follows:

S 1308. Property subject to levy. [Except as provided in section thirteen hundred ten of this chapter, school] SCHOOL district taxes shall be levied by the school authorities upon all real property within the boundaries of the district which is not by law exempt from such taxation. Such taxes shall be levied against each parcel of such real property. In all cases the levy shall be deemed as against the real property itself. A SCHOOL DISTRICT MAY LEVY LIBRARY TAXES IN ONLY ONE PART OF THE SCHOOL DISTRICT. The name of the owner, last known owner or reputed owner shall be regarded as an aid to identify such parcel. A mistake in any such name shall not affect the validity of the levy against the parcel.

S 2. Section 261 of the education law, as amended by chapter 476 of the laws of 1977, is amended to read as follows:

S 261. Incorporation. Within one month after taking office, the first board of trustees of any such public library or Indian library shall apply to the regents for a charter in accordance with the vote establishing the library. IF IT SHALL APPEAR TO THE REGENTS THAT THE SERVICE AREA PROPOSED FOR ANY SUCH PUBLIC LIBRARY INCLUDES ANY AREAS ALREADY SERVED BY A CHARTERED LIBRARY, THE REGENTS SHALL DISAPPROVE SUCH APPLICATION AND THE CHARTER SHALL NOT BE GRANTED.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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S 3. Section 263 of the education law, as renumbered by chapter 273 of the laws of 1950, is amended to read as follows:

S 263. Reports. 1. Every library or museum, other than a school library, which enjoys any exemption from taxation or receives state aid or other privilege not usually accorded to business corporations shall make the report required by section two hundred fifteen of this [chapter] ARTICLE, and such report shall relieve the institution from making any report now required by statute or charter to be made to the legislature or to any department, court or other authority of the state. These reports shall be summarized and transmitted to the legislature by the regents with the annual reports of the university.

2. EVERY SCHOOL LIBRARY SHALL, ON OR BEFORE JANUARY THIRTY-FIRST, TWO THOUSAND NINE, REVIEW THEIR CHARTER TO DETERMINE IF ANY PART OF ITS LIBRARY SERVICE AREA INCLUDES PARCELS OF LAND ALREADY SERVED BY A CHARTERED LIBRARY. IF SUCH A SITUATION EXISTS, THE LIBRARY MUST FILE A CHARTER AMENDMENT WITH THE REGENTS, CHANGING THE SERVICE AREA OF THE LIBRARY TO EXCLUDE ANY SUCH PARCELS OF LAND.

S 4. Subdivision 1 of section 272 of the education law is amended by adding a new paragraph m to read as follows:

M. THE COMMISSIONER SHALL, FOR THE FIRST FIVE YEARS AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH, HOLD HARMLESS, WITH FUNDING FROM THE STATE, ANY SCHOOL LIBRARIES WHICH LOSE REVENUE OVER THE PRIOR YEAR SOLELY BECAUSE OF THE IMPACT OF THE AMENDMENTS TO SECTION THIRTEEN HUNDRED EIGHT OF THE REAL PROPERTY TAX LAW AND SECTIONS TWO HUNDRED SIXTY-ONE AND TWO HUNDRED SIXTY-THREE OF THIS ARTICLE BY THE CHAPTER OF THE LAWS OF TWO THOUSAND NINE WHICH ADDED THIS PARAGRAPH IN THE FOLLOWING AMOUNT: ONE HUNDRED PERCENT OF SUCH AMOUNT IN THE FIRST YEAR; EIGHTY PERCENT OF SUCH AMOUNT IN THE SECOND YEAR; SIXTY PERCENT OF SUCH AMOUNT IN THE THIRD YEAR; FORTY PERCENT OF SUCH AMOUNT IN THE FOURTH YEAR; TWENTY PERCENT OF SUCH AMOUNT IN THE FIFTH YEAR; AND THEREAFTER SUCH PAYMENTS SHALL CEASE TO BE ALLOWED.

S 5. This act shall take effect on the ninetieth day after it shall have become a law.